

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

FEB 16 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of the Commission's Rules) ET Docket No. 98-237
With Regard to the 3650-3700 MHz)
Government Transfer Band)

COMMENTS

Sprint Corporation ("Sprint") hereby respectfully submits its comments on the Commission's *Notice of Proposed Rule Making and Order* ("NPRM"), FCC 98-337, released December 18, 1998 in the above-captioned proceeding.

The Commission is proposing to allocate the 3650-3700 MHz band to the non-Government fixed service on a primary basis. The Commission anticipated that this spectrum will be used to link fixed locations (such as residences and businesses) using new fixed point-to-point and point-to-multipoint services (such as Fixed Wireless Access, or "FWA") and that it will help achieve the goal of Section 706 of the 1996 Act (*NPRM at para. 1*). Applications for new or major modified earth station facilities in the fixed-satellite service ("FSS") will no longer be accepted in order to ensure "adequate opportunities" for fixed services in this band. (*Id. at para. 2*) However, existing earth stations will be grandfathered. (*Id.*)

Sprint strongly opposes the proposed changes to the rules regarding the 3650-3700 MHz band because such changes will restrict its ability to use INTELSAT service, will degrade the quality of Sprint's services, and will have a negative impact on its

No. of Copies rec'd 016
List ABCDE

competitive position. Although Sprint supports the Commission's proposal to grandfather existing earth stations, it does not agree that major modifications to licenses should be prohibited. Such modifications are essential to obtaining additional capacity for common carrier services to international locations. Sprint urges the Commission to permit both FSS and FWA in this band and to allow carriers to obtain new licenses at existing earth station sites.

Sprint currently uses INTELSAT service to provide international voice and data services for a number of reasons. First, some locations cannot be reached by cable or terrestrial facilities and INTELSAT is the only way to provide service. Second, satellite services are used for temporary service or when cable capacity is scarce and more circuits than those available on the cables are required. Finally, diversity routing is provided over satellite circuits.

As the Commission is aware, INTELSAT uses the 3645-4200 MHz band for its downlinks. (*Id.* at fn. 12) If the Commission restricts the ability of common carriers to make modifications to their licenses in the 3650-3700 MHz band, such carriers will be unable to access new services which INTELSAT may offer in this band and INTELSAT's expansion of frequency in this band. By not accepting applications for major modifications to earth stations in this band, the Commission is constraining carriers from using INTELSAT service to provide service to locations which cannot otherwise be reached and for which this service is essential.¹

¹ Indeed, the Commission's proposal here which would restrict the ability of carriers to use INTELSAT service seems to be at odds with IB Docket 98-192 in which it requested comments on permitting direct access to INTELSAT. Such direct access would lower carriers' costs for INTELSAT services and afford them greater choice of services.

Restrictions on the ability of U.S. carriers to use INTELSAT services will be competitively harmful. Sprint's competitors in the rest of the Americas will be able to avail themselves of INTELSAT's services and facilities in the 3650-3700 MHz band because their use of this band is not restricted. They will be able to obtain greater capacity than U.S. carriers and offer more services to customers using this capacity. In addition, Sprint and other U.S. carriers will not be able to use such facilities to provide service in conjunction with foreign PTTs that use INTELSAT's services in this band.

A number of other problems will arise for U.S. carriers if they are not allowed to modify their licenses to provide service in the 3650-3700 MHz band. For example, if INTELSAT obtains another orbital slot, U.S. carriers might not be able to use services on the new satellite which are provided in this band. Also, if INTELSAT switches satellites because of a failure of one of its satellites and the failed satellite is replaced with another that provides service in this band, U.S. carriers would not be able to modify their licenses to take advantage of service in the band. Clearly, any prohibition on modifications will have a significant detrimental impact on common carriers' international services.

The Commission proposes to grandfather existing earth station facilities. It recognizes that its "reallocation decision must accommodate continued use of the band for incumbent earth station reception of FSS signals..." (*id. at para. 6*), and it is "cognizant of the need to protect earth station reception of very weak signals transmitted by geostationary orbit FSS satellites in the band." (*Id. at para. 12*) The grandfathering of existing earth stations is extremely important in order for common carriers to continue to provide voice and data services within the Americas using INTELSAT and should be adopted.

The Commission seeks comment on how its proposal “affects the ability of FSS licensees to satisfy the demand for international intercontinental downlink capacity in this region of the spectrum” and alternative methods to meet FSS needs. (*Id. at para. 13*) For the reasons discussed above, Sprint believes that any prohibition on modifications to licenses will have a serious, injurious effect on its provision of FSS. In addition, Sprint and others will not be able to collocate new earth station facilities with a grandfathered site. Collocation at a particular location is efficient because the area has already been cleared and because the carrier has a base facility equipped to provide service. The inability to collocate will result in additional expense for the carriers and additional problems in constructing new sites for new antennas, and will make the carriers that cannot utilize the band less competitive. Sprint therefore urges the Commission to allow modifications to licenses to permit carriers to obtain new licenses at existing sites.

Finally, the Commission asks “whether the FSS allocation in the band should be deleted.” Sprint and other common carriers would be placed at a serious competitive disadvantage if earth stations could not continue to operate in this band. Such carriers, who need to connect with INTELSAT and who have relied upon their licenses to build earth station facilities, should not be forced to abandon this band.

Concerning the possibility of land mobile use, Sprint agrees with the Commission’s tentative conclusion “that allocating the 3650-3700 MHz band to fixed services only, and not to the land mobile service, would better protect incumbent Government radar operations and non-Government FSS reception from harmful interference.” (*Id. at para. 17*) Mobile service, which is uncontrolled, can come within

the clearance radius of an earth station and cause interference. Such interference will degrade the quality of service and should not be permitted.

The Commission declines to propose receiver standards because it believes that market forces will guide the development of innovative technology and the design of equipment. Sprint agrees with the Commission's reliance on market forces.

Thus, Sprint urges the Commission to grandfather existing earth stations operating in the 3650-3700 MHz band and to permit applications for major modifications to the licenses in this band, as well as applications for new licenses at existing earth station sites. If the Commission adopts its proposed restrictions, Sprint and other FSS providers will be harmed. While Sprint recognizes the Commission's interest in opening up spectrum for advanced services, changes should not be made at the expense of carriers that need this band to provide voice and data services and that will be competitively disadvantaged if they cannot modify their licenses to use services in this band. Sprint therefore urges the Commission to allow FWS to use the band without restricting FSS services and to remove the freeze on applications for major modifications to earth station licenses that it imposed in the NPRM.

Respectfully submitted,
SPRINT CORPORATION

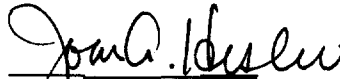


Leon M. Kestenbaum
Jay C. Keithley
Kent Y. Nakamura
Marybeth M. Banks
1850 M Street N.W., 11th Floor
Washington, DC 20036-5807
(202) 857-1030

February 16, 1999

CERTIFICATE OF SERVICE

I, Joan Hesler, hereby certify that I have on this 16th day of February 1999, served via U.S. First Class Mail, postage prepaid, or Hand Delivery, a copy of the foregoing document was filed this date to the persons on the attached service list.


Joan A. Hesler

Dale Hatfield, Chief
Engineering and Technology
Common Carrier Bureau
Federal Communications
Commission
2000 M Street, N.W., Room 480
Washington, D.C. 20554

International Transcription
Service
1919 M Street, N.W.
Washington, D.C. 20036

Tom Mooring
Engineering and Technology
Common Carrier Bureau
Federal Communications
Commission
2000 M Street, N.W., Room 480
Washington, D.C. 20554